THE LAMBERT FIRM
A PROFESSIONAL LAW CORPORATION

701 MAGAZINE STREET
NEW ORLEANS, LA 70130
WWW.THELAMBERTFIRM.COM

TOLL FREE: 1.800.521.1750
PHONE: 504.581.1750
FAX: 504.529.2931

April 8, 2021

VIA U.S. MAIL & EMAIL
Mr. David Gray
Acting Regional Administrator – Region 6
United States Environmental Protection Agency
1201 Elm Street
Dallas, TX 75270
Gray.david@epa.gov

Re: Response to March 30, 2021 Letters from David Gray to the Dr. Chuck Carr Brown and St. John the Baptist Parish President Jaclyn Hotard regarding the Extension of the EPA's Air Monitoring Program Near the DuPont / Denka Plant in LaPlace, LA.

Dear Administrator Gray:

We write to urge you to reinstate the Periodic Air Monitoring program for chloroprene. We are in receipt of your correspondence dated March 30, 2021 to LDEQ Secretary Brown and St. John the Baptist Parish President Hotard regarding the status of EPA's chloroprene air monitoring program. I have attached for your reference our March 29, 2021 letter to Ms. Katherine Chalfant of the EPA regarding the continuing efforts by the Denka/DuPont chemical plant in LaPlace, Louisiana to exercise influence over the EPA regarding its chloroprene emissions.

We are disappointed that the current approach to ambient air monitoring (termed "Continuous Air Monitoring") that has replaced the previous approach (termed "Periodic Air Monitoring") is being touted as better for community awareness. By design, the "Continuous Air Monitoring" method currently in effect collects air samples sporadically, not periodically. Therefore, we believe that the current approach will result in the generation of data that are less useful to the St. Parish community and to the air quality scientists and risk assessors responsible for decisions to protect that community. While real-time monitoring of volatile organic compound ("VOC") concentrations in air can be useful, the current methodology being employed around the Denka/DuPont Plant reduces the frequency and sensitivity of measurement chloroprene in air; such a reduction in measurement frequency of this chemical hampers the ability of scientists to perform assessments aimed at understanding the health risks posed by airborne chloroprene. Assessments using monitoring data collected by the Periodic Air Sampling method initially employed by the EPA, to date, have demonstrated community air exposures to chloroprene that exceed typical EPA acceptable risk tolerances. Those previously documented excessive chloroprene emissions provide no defensible rationale for altering the original Periodic Air Sampling protocol, much less reducing its resolution or sensitivity in a manner that would constrain future health assessments.

This sporadic air sampling program does not continuously collect chloroprene data.

This downgrade in chloroprene monitoring has eliminated the ability of scientists, using accepted scientific methodology, to perform an estimation of the average ambient air concentration of chloroprene in the community around the plant. This is a critical shortcoming of the approach since average ambient air concentrations of chloroprene are essential to informing the community of its increased risk of cancer due to chloroprene exposure from the Denka/DuPont Plant.

The collection of an air sample by the SPod is not triggered by spikes of chloroprene released from the plant as your letter of March 30, 2021 implies. It is true that if chloroprene is present in the air sample collected when the SPod is triggered by some other volatile organic compound, it will be analyzed by the laboratory doing the analysis of that air sample. However, it is misleading to the public to call the SPod air monitoring method "continuous" and to imply that spikes in chloroprene emissions are the focus of the monitoring when in fact, the SPod method is far more likely to ignore chloroprene emissions in favor of documenting the presence of other volatile organic compounds in the air. The S-pod method will only provide data beyond total VOC concentrations if the total VOC concentrations spike above a pre-determined threshold. This means that unless the VOC levels reach some arbitrary spike level, no data will be recorded regarding the concentration of chloroprene in the air around the Denka/DuPont Plant. Such an absence of data is problematic because it may be misinterpreted by others as a lack of chloroprene in the air, which would be factually inaccurate and misleading to the public.

Please consider this our continuing request that the 2016 Periodic Air Monitoring Program be reimplemented to allow for continual assessment of health risks posed to the community by chloroprene.

Sincerely,

Hugh P. Lambert, Esq.

HPL/bjm

cc: Jennifer Orme-Zavaleta – Office of Research and Development (ORD)
Vaughn Noga – Office of Environmental Information
Kris Thayer – ORD
John Vandenberg – ORD
Louis D'Amico - ORD
Erika Sasser – Office of Air and Radiation
Providence Spina – Office of Enforcement and Compliance Assurance
Tracy Sheppard – Office of General Counsel
Dr. Chuck Carr Brown – Louisiana Department of Environmental Quality

Kelly Rimer – Office of Air and Radiation
Jaclyn Hotard Gaudet, St John the Baptist Parish President
Robert Holden – Counsel for Denka Performance Elastomer LLC